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By: Delegate McIntosh

Introduced and read first time: February 7, 2003 Assigned to: Health and Government Operations

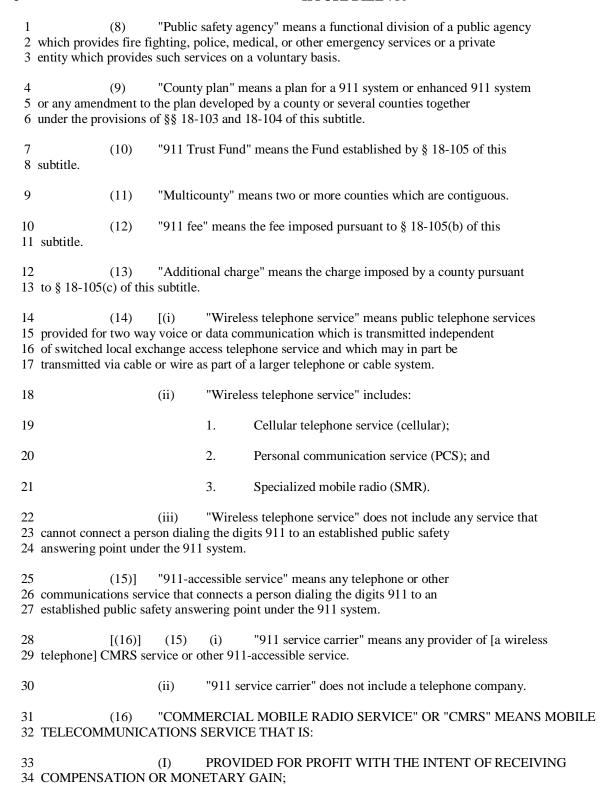
A BILL ENTITLED

1 AN ACT concerning

2 Emergency Telephone System - Wireless Enhanced 911 Service

- 3 FOR the purpose of authorizing the establishment of wireless enhanced 911 service in
- 4 the State in accordance with certain orders; altering the membership of the
- 5 Emergency Number Systems Board; authorizing the Board to authorize certain
- 6 expenditures to commercial mobile radio service (CMRS) providers for certain
- 7 purposes; requiring the Board to approve, reject, or modify a certain
- 8 implementation schedule for the deployment of wireless enhanced 911 service;
- 9 requiring the Board to approve, reject, or modify and review an audit of certain
- 10 cost estimates submitted by CMRS providers in a certain manner; requiring
- certain CMRS providers to submit certain estimates and information to the
- Board; requiring the Board to establish guidelines for the deployment of
- wireless enhanced 911 service, and to develop an implementation schedule for
- the deployment of wireless enhanced 911 service; requiring the Board to
- approve, reject, or modify certain cost estimates provided by CMRS providers in
- a certain manner; requiring the Board to audit certain cost estimates submitted
- by CMRS providers; authorizing the Department of Public Safety and
- Correctional Services to provide certain staff support for the Board; authorizing
- a member of the Board to receive reimbursement for certain expenses; providing
- 20 that certain information is confidential, privileged, and proprietary and may not
- 21 be disclosed; providing for the application of a certain fee to subscribers of
- 22 certain commercial mobile radio services, calculated in a certain manner, to
- 23 cover certain costs; limiting the number of subscriber fees that may be charged
- 24 per billing account; extending certain immunity to certain providers of certain
- services; altering and adding certain definitions; providing for the expiration of
- 26 certain Board member terms; providing for the effective date of certain
- 27 provisions of this Act; providing for the termination of certain provisions of this
- Act; and generally relating to establishment of wireless enhanced 911 service in
- 29 the State.
- 30 BY repealing and reenacting, with amendments,
- 31 Article 41 Governor Executive and Administrative Departments
- 32 Section 18-101(f), 18-103, 18-105, and 18-106
- 33 Annotated Code of Maryland
- 34 (1997 Replacement Volume and 2002 Supplement)

1 2 3 4 5 6	Section 1-301, 1-305, 1-306, and 1-308 through 1-311 Annotated Code of Maryland (As enacted by Chapter (S.B. 1) of the Acts of the General Assembly of						
7 8	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:						
9			Article	41 - Governor - Executive and Administrative Departments			
10	18-101.						
11 12	(f) indicated:	In this s	ubtitle, th	ne following words and terms have the meanings			
13 14	City.	(1)	"County	" means any of the 23 counties of Maryland and Baltimore			
15		(2)	"Compt	roller" means the Comptroller of the State Treasury.			
16		(3)	"Board"	means the Emergency Number Systems Board.			
17 18	Safety and G	(4) Correction		ry" means the Secretary of the State Department of Public ces.			
21 22 23 24	connects a point. 911 s within a tele	person dia ystem ince phone ce ering poi	d pursuar aling the c cludes equentral offi	stem" means a telephone service which meets the planning at to § 18-103 of this subtitle, and which automatically digits 911 to an established public safety answering aipment for connecting and outswitching 911 calls ce, trunking facilities from the central office to a public quipment to connect 911 calls to the appropriate public			
26		(6)	"Enhanc	ced 911" means a 911 system that provides:			
27			(i)	Automatic number identification;			
28			(ii)	Automatic location identification; and			
29 30	that the Boa	rd may r	(iii) equire.	After July 1, 1995, other future technological advancements			
33	(7) "Public safety answering point" means a communications facility operated on a 24 hour basis which first receives 911 calls from persons in a 911 service area and which may, as appropriate, directly dispatch public safety services or extend, transfer, or relay 911 calls to appropriate public safety agencies.						



"WIRELESS ENHANCED 911 SERVICE" MEANS ENHANCED 911

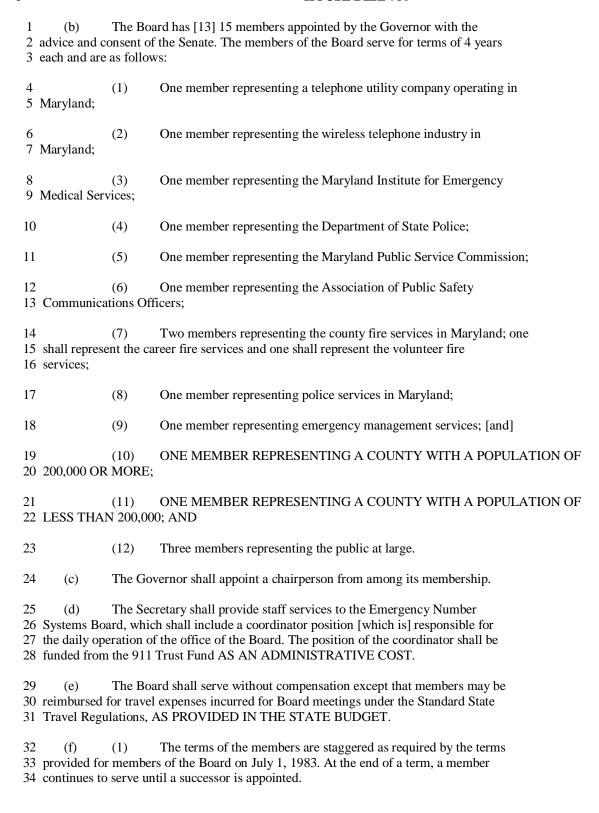
There is an Emergency Number Systems Board in the Department of

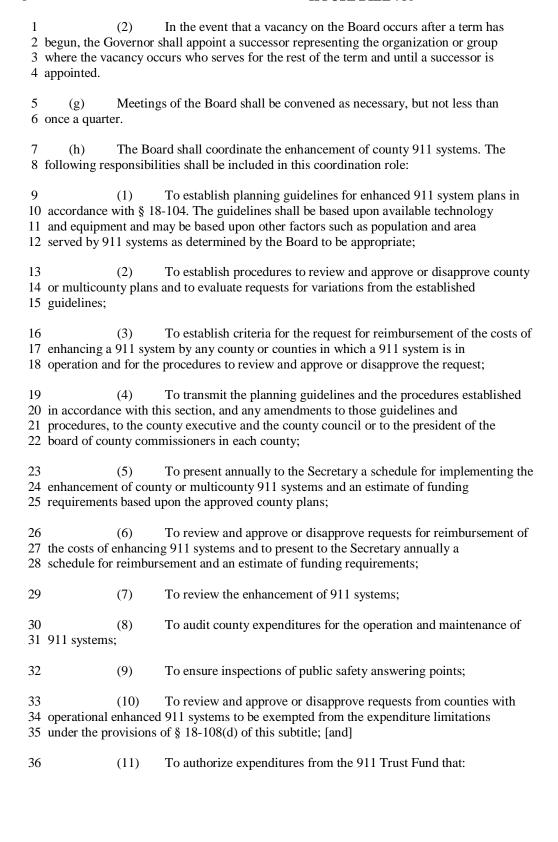
28 PROVIDER.

31 18-103.

30 SERVICE UNDER AN FCC ORDER.

33 Public Safety and Correctional Services.



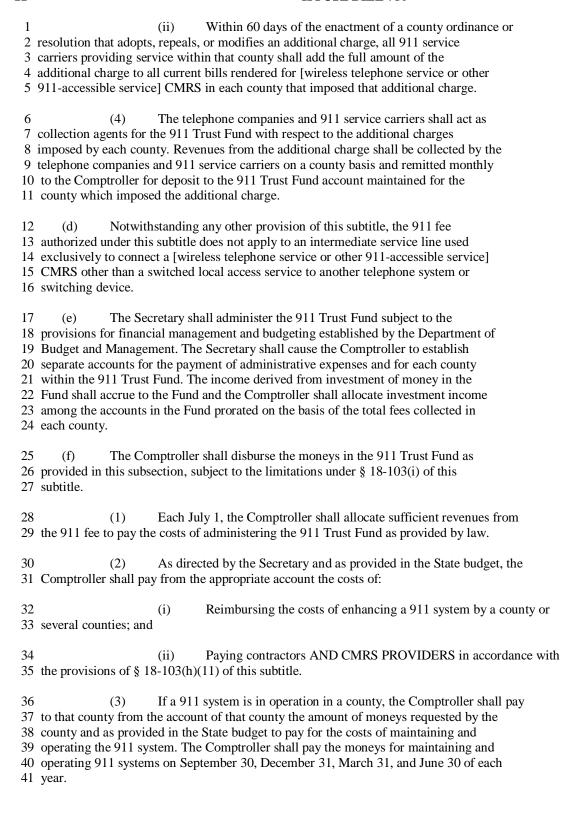


1		(i)	Involve	enhancer	ments that:
2			1.	Are requ	uired by the Board;
3	and		2.	Will be	provided to a county by a third party contractor;
5 6	formation of a contrac	et betwee	3. n the cou		cur costs that the Board has approved prior to the the contractor; and
7		(ii)	Are app	roved by	the Board for payment[:
8 9	provisions of § 18-10:	5(b) of th	1. is subtitle		FROM proceeds collected in accordance with the
10 11	county; OR		[2.]	1.	Directly to a third party contractor on behalf of a
	NONRECURRING OF WIRELESS ENF			Y RELA	TLY TO A CMRS PROVIDER FOR RECURRING AND ATED TO THE DEPLOYMENT AND OPERATION AND
15	(12)	(I)	TO APP	PROVE, 1	REJECT, OR MODIFY:
16 17	ENHANCED 911 SE	ERVICE;	1. AND	THE IM	MPLEMENTATION SCHEDULE FOR WIRELESS
18 19	ENHANCED 911 SE	ERVICE;	2.	A CMR	S PROVIDER'S COST ESTIMATE FOR WIRELESS
	TO DETERMINE W		R AN OV	ERPAY	HE AUDIT OF A CMRS PROVIDER'S COST ESTIMATE MENT OR UNDERPAYMENT WAS MADE FROM VIDER; AND
23 24	FOR PAYMENT TO	(III) THE CN	1. MRS PRO		JUST A SUBSEQUENT COST ESTIMATE APPROVED IF AN UNDERPAYMENT WAS MADE; AND
25 26	911 TRUST FUND I	F AN OV	2. VERPAY		QUIRE A REFUND BY THE CMRS PROVIDER TO THE WAS MADE.
27 28	(i) (1) to a county for 911 sy				ne Comptroller to withhold funds provided violation of:
29		(i)	The pro	visions of	f this subtitle; or
30		(ii)	A regula	ation of tl	he Board.
	(2) withholding the fund Board.	(i) s of a cou			state publicly in writing its reason for reason in the minutes book of the

1			(ii)	Upon reaching its decision, the Board shall notify the county.
2 3	respond in w	riting to	(iii) the Board	The county shall have 30 days from the date of notification to d.
4 5	county funds	(3) s for a cou	(i) anty in th	Upon notification by the Board, the Comptroller shall hold at county's account within the 911 Trust Fund.
6 7	subparagrapl	n (i) of th	(ii) is paragra	1. Funds held by the Comptroller under the provisions of aph shall not accrue interest for a county.
8 9	shall accrue	to the 911	l Trust Fi	2. Interest income earned on funds held by the Comptroller und.
10 11	Board direct	(4) ts the Cor		funds withheld by the Comptroller shall be held until the to release the funds.
		to § 2-12	246 of the	submit an annual report to the Governor, the Secretary, e State Government Article, the Legislative Policy et forth the following information for each county:
15		(1)	The type	e of 911 system currently operating;
16		(2)	The tota	l State and county fee charged;
17		(3)	The fun	ding formula in effect;
18 19	the Board;	(4)	Any stat	tutory or regulatory violation by a county and the response of
20		(5)	Efforts t	to establish an enhanced 911 system; and
21		(6)	Any sug	gested changes to this subtitle.
22 23	(K) SHALL SU			L BASIS, AS DETERMINED BY THE BOARD, A CMRS PROVIDER OARD:
26	ENHANCE	D 911 SE	ATED B. ERVICE	TIMATE OF ITS COST OF DEPLOYING WIRELESS ENHANCED 911 ASED ON THE CURRENT DEPLOYMENT OF WIRELESS IN ALL AREAS OF THE STATE IN WHICH THE CMRS RELESS SERVICE; AND
28 29	ENHANCE	` /		CATION OF THE ESTIMATED AND ACTUAL COST OF WIRELESS
30	(L)	(1)	THE BO	OARD SHALL:
31	WIRFI FSS	ENHAN	` /	ESTABLISH PLANNING GUIDELINES FOR THE DEPLOYMENT OF

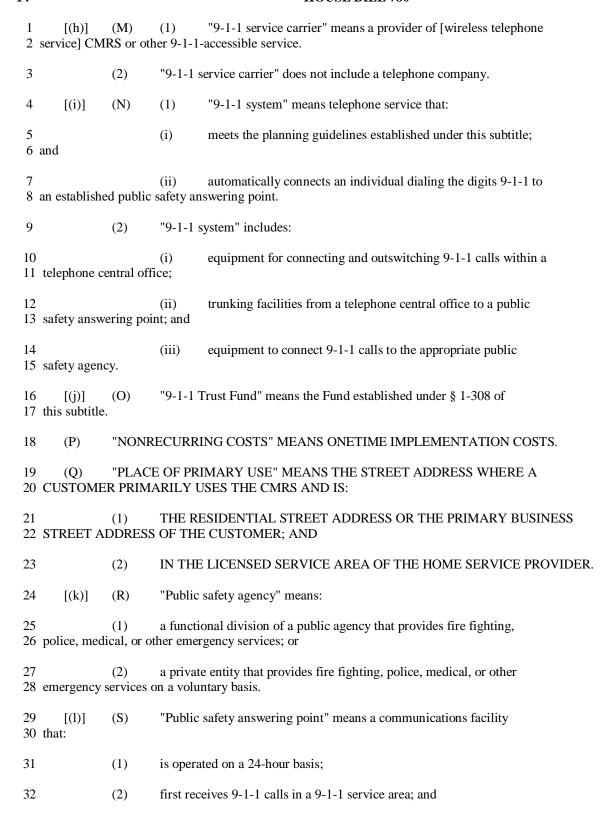
1 (II)DEVELOP AN IMPLEMENTATION SCHEDULE FOR DEPLOYMENT 2 OF WIRELESS ENHANCED 911 SERVICE IN THE STATE; APPROVE, REJECT, OR MODIFY THE ESTIMATED COSTS THAT A (III)4 CMRS PROVIDER SUBMITS UNDER SUBSECTION (K)(1) OF THIS SECTION; AND CONDUCT AN ANNUAL AUDIT OF AN APPROVED COST 6 ESTIMATE OF A CMRS PROVIDER TO DETERMINE WHETHER THE COST ESTIMATE 7 SUBMITTED DURING THE PRECEDING YEAR WAS MORE OR LESS THAN THE ACTUAL 8 COST OF THE WIRELESS ENHANCED 911 SERVICE. 9 THE BOARD MAY AUDIT SURCHARGE COLLECTION AND REMITTANCE (2) 10 BY CMRS PROVIDERS. 11 (M)THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL 12 SERVICES SHALL PROVIDE STAFF SUPPORT FOR THE BOARD TO HANDLE THE 13 INCREASED DUTIES RELATING TO WIRELESS ENHANCED 911. 14 STAFF SUPPORT SHALL BE FUNDED FROM THE 911 TRUST FUND AS (2) 15 AN ADMINISTRATIVE COST. ON REQUEST OF A CMRS PROVIDER, AND EXCEPT AS OTHERWISE 16 17 REQUIRED BY LAW, THE INFORMATION THAT THE CMRS PROVIDER REPORTS TO THE 18 BOARD, INCLUDING VERIFICATION OF COSTS, SHALL BE CONFIDENTIAL, 19 PRIVILEGED, AND PROPRIETARY AND MAY NOT BE DISCLOSED TO ANY PERSON 20 OTHER THAN THE CMRS PROVIDER. 21 18-105. 22 (a) (1) There is a 911 Trust Fund created for the purpose of: 23 (i) Reimbursing the counties for enhancements to a 911 system; 24 and 25 Paying contractors AND CMRS PROVIDERS in accordance with (ii) 26 the provisions of § 18-103(h)(11) of this subtitle. Moneys in the 911 Trust Fund shall be held in the State Treasury. 27 (2) 28 (1) For purposes of this subtitle, there is a 911 fee to be paid by the (I) 29 subscribers to switched local exchange access service, wireless telephone service, or 30 other 911-accessible service]. THE 911 FEE SHALL BE APPLIED TO ALL CURRENT 31 TELEPHONE NUMBERS PROVIDED BY THE LOCAL EXCHANGE CARRIER. The 911 fee is 32 10 cents per month payable at the time when the bills for telephone service are due. 33 A FEE MAY NOT BE IMPOSED ON MORE THAN 50 BUSINESS TELEPHONE EXCHANGE 34 LINES, INCLUDING PBX TRUNKS AND CENTREX LINES, PER CUSTOMER BILLING 35 ACCOUNT. FOR PURPOSES OF THIS SUBTITLE, THERE IS A 911 FEE TO BE 36 (II)37 PAID BY SUBSCRIBERS TO A CMRS PROVIDER. THE FEE SHALL BE APPLIED TO ALL

- 1 CURRENT TELEPHONE NUMBERS PROVIDED BY THE HOME SERVICE PROVIDER AND
- 2 IS BASED ON THE PLACE OF PRIMARY USE. THE 911 FEE IS 35 CENTS PER MONTH
- 3 PAYABLE AT THE TIME WHEN THE BILLS FOR TELEPHONE SERVICE ARE DUE. A FEE
- 4 MAY NOT BE IMPOSED ON MORE THAN 50 CMRS EXCHANGE LINES PER CUSTOMER
- 5 BILLING ACCOUNT.
- 6 (III) THE 911 FEE MAY NOT BE ASSESSED AGAINST
- 7 INSTRUMENTALITIES OF A LOCAL GOVERNMENT OR THE STATE OR FEDERAL
- 8 GOVERNMENT.
- 9 (2) The Public Service Commission shall direct the telephone companies
- 10 to add the 911 fee to all current bills rendered for switched local exchange access
- 11 service in the State. The telephone companies shall act as collection agents for the 911
- 12 Trust Fund with respect to the fee, and shall remit all proceeds to the Comptroller on
- 13 a monthly basis. The telephone companies shall be entitled to credit against the
- 14 proceeds of the 911 fee to be remitted an amount equal to 0.75 percent of the 911 fee
- 15 to cover the expenses of billing, collecting, and remitting the 911 fee and any
- 16 additional charges. The Comptroller shall deposit the funds in the 911 Trust Fund.
- 17 (3) The 911 service carriers shall add the 911 fee to all current bills
- 18 rendered for wireless telephone service or other 911-accessible service in the State.
- 19 The 911 service carriers shall act as collection agents for the 911 Trust Fund with
- 20 respect to the fee and shall remit all proceeds to the Comptroller on a monthly basis.
- 21 The 911 service carriers shall be entitled to credit against the proceeds of the 911 fee
- 22 to be remitted an amount equal to 0.75 percent of the 911 fee to cover the expenses of
- 23 billing, collecting, and remitting the 911 fee and any additional charges. The
- 24 Comptroller shall deposit the funds in the 911 Trust Fund.
- 25 (c) (1) THE BOARD MAY AUDIT OR REQUIRE A LOCAL EXCHANGE CARRIER
- 26 OR CMRS PROVIDER TO SUBMIT AN INDEPENDENT AUDIT OF 911 FEES,
- 27 COLLECTIONS, AND REMITTANCES.
- 28 (2) In addition to the 911 fee imposed by subsection (b) of this section,
- 29 the governing body of each county may by ordinance or resolution after public hearing
- 30 enact or adopt an additional charge not to exceed 50 cents per month to be applied to
- 31 all current [bills rendered] SUBSCRIBER TELEPHONE NUMBERS for switched local
- 32 exchange access service[, wireless telephone service, or other 911-accessible service]
- 33 OR CMRS within that county. The amount of the additional charge may not exceed a
- 34 level necessary to cover the total amount of eligible operation and maintenance costs
- 35 of the county.
- 36 (2) The additional charge shall continue in effect until repealed or
- 37 modified by a subsequent ordinance or resolution.
- 38 (3) (i) Upon adopting, repealing, or modifying an additional charge,
- 39 the county shall certify the amount of the additional charge to the Public Service
- 40 Commission which on 60 days' notice shall direct the telephone companies to add the
- 41 full amount of the additional charge to all current bills rendered for switched local
- 42 exchange access service in each county which imposed that additional charge.



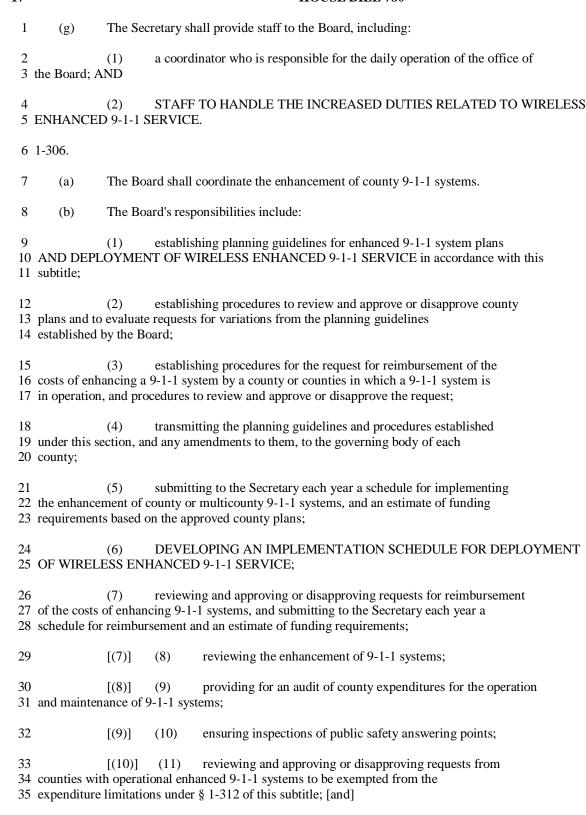
- 1 (g) The Legislative Auditor shall conduct postaudits of a fiscal and compliance
- 2 nature of the 911 Trust Fund and of the appropriations and expenditures made for
- 3 purposes of this subtitle. The cost of the fiscal portion of the postaudit examination
- 4 shall be paid from the 911 Trust Fund as an administrative cost.
- 5 18-106.
- 6 (a) Nothing in this subtitle requires a public service company to provide any
- 7 equipment or service other than pursuant to tariffs approved by the Maryland Public
- 8 Service Commission. Furthermore, the furnishing of services, the rates, and the
- 9 extent of any liabilities of a public service company shall be governed by those tariffs
- 10 approved by the Maryland Public Service Commission.
- 11 (b) Nothing in this subtitle requires a 911 service carrier to provide any
- 12 equipment or service other than the equivalent of that required of telephone
- 13 companies under subsection (a) of this section. Furthermore, nothing in this subtitle
- 14 shall be interpreted to extend any liability to a 911 carrier.
- 15 (c) A [cellular telephone company or personal communication company]
- 16 CMRS PROVIDER that pays or collects 911 fees under § 18-105 of this subtitle shall
- 17 have the same immunity from liability for transmission failures as that approved by
- 18 the Public Service Commission for local exchange telephone companies that are
- 19 subject to the regulation of the Commission under the Public Utility Companies
- 20 Article.
- 21 (D) A CMRS PROVIDER MAY NOT USE ANY EQUIPMENT OR TECHNOLOGY
- 22 PROCURED USING MONEY FROM THE 911 TRUST FUND FOR ANY PURPOSE, OTHER
- 23 THAN THOSE AUTHORIZED BY THIS SUBTITLE, WITHOUT THE WRITTEN CONSENT OF
- 24 THE BOARD.
- 25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
- 26 read as follows:
- 27 Article Public Safety
- 28 1-301.
- 29 (a) In this subtitle the following words have the meanings indicated.
- 30 (b) "Additional charge" means the charge imposed by a county in accordance
- 31 with § 1-311 of this subtitle.
- 32 (c) "Board" means the Emergency Number Systems Board.
- 33 (D) "COMMERCIAL MOBILE RADIO SERVICE" OR "CMRS" MEANS MOBILE
- 34 TELECOMMUNICATIONS SERVICE THAT IS:
- 35 (1) PROVIDED FOR PROFIT WITH THE INTENT OF RECEIVING
- 36 COMPENSATION OR MONETARY GAIN;

1		(2)	AN INT	ERCONNECTED SERVICE; AND					
2		(3)	AVAIL	ABLE TO THE PUBLIC.					
		PERSON	MERCIAL MOBILE RADIO SERVICE PROVIDER" OR "CMRS PROVIDER" AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION S IN THE STATE.						
	[(d)] system, or a together und		nent to th	"County plan" means a plan for a 9-1-1 system or enhanced 9-1-1 ent to the plan, developed by a county or several counties otitle.					
9	(G)	(1)	"CUSTO	DMER" MEANS:					
10 11	PROVIDER	R FOR CI	(I) MRS; OR	THE PERSON THAT CONTRACTS WITH A HOME SERVICE					
12 13	NOT THE O	CONTRA	(II) ACTING 1	THE END USER OF THE CMRS IF THE END USER OF THE CMRS IS PARTY.					
14		(2)	CUSTO	MER DOES NOT INCLUDE:					
15			(I)	A RESELLER OF CMRS; OR					
16 17		R OUTS	(II) IDE THE	A SERVING CARRIER UNDER AN ARRANGEMENT TO SERVE THE HOME SERVICE PROVIDER'S LICENSED SERVICE AREA.					
18	[(e)]	(H)	"Enhanc	eed 9-1-1 system" means a 9-1-1 system that provides:					
19		(1)	automat	ic number identification;					
20		(2)	automat	ic location identification; and					
21		(3)	any othe	er technological advancements that the Board requires.					
24		ICATION BILITY (NS COMI OF ENHA	MEANS AN ORDER ISSUED BY THE FEDERAL MISSION UNDER PROCEEDINGS REGARDING THE INCED 9-1-1 SYSTEMS AND DELIVERY OF WIRELESS E.					
26 27	· /			CE PROVIDER" MEANS THE FACILITIES-BASED CARRIER OR CTS WITH A CUSTOMER TO PROVIDE CMRS.					
			vice that c	ccessible service" means telephone service or another onnects an individual dialing the digits 9-1-1 to an ering point.					
31 32	[(g)] subtitle.	(L)	"9-1-1 fe	ee" means the fee imposed in accordance with § 1-310 of this					



1	9-1-1 calls to	(3) appropri	as appropriate, dispatches public safety services directly, or transfers opriate public safety agencies.				
3	[(m)] Services.	(T)	"Secretary" means the Secretary of Public Safety and Correctional				
5 6	(U) UNDER AN			HANCED 9-1-1 SERVICE" MEANS ENHANCED 9-1-1 SERVICE			
7	[(n)	(1)	"Wireles	ss telephone service" means public telephone service that:			
8			(i)	is provided for two way voice or data communication;			
9 10	telephone se	ervice; an	(ii) d	is transmitted independently of switched local exchange access			
11 12	telephone or	cable sy	(iii) stem.	may be transmitted partly via cable or wire as part of a larger			
13		(2)	"Wireles	ss telephone service" includes:			
14			(i)	cellular telephone service (cellular);			
15			(ii)	personal communication service (PCS); and			
16			(iii)	specialized mobile radio (SMR).			
	connect an i			ss telephone service" does not include service that cannot the digits 9-1-1 to an established public safety			
20	1-305.						
21 22	(a) Public Safet			gency Number Systems Board in the Department of l Services.			
23	(b)	(1)	The Boa	ard consists of [13] 15 members.			
24		(2)	Of the [13] 15 members:			
25 26	the State;		(i)	one member shall represent a telephone company operating in			
27 28	the State;		(ii)	one member shall represent the wireless telephone industry in			
29 30	Emergency 1	Medical S	(iii) Services S	one member shall represent the Maryland Institute for Systems;			
31			(iv)	one member shall represent the Department of State Police;			

1		(v)	one member shall represent the Public Service Commission;
2 3	Communications Of	(vi) ficials Inte	one member shall represent the Association of Public-Safety ernational, Inc.;
	with one member re- volunteer fire service		two members shall represent county fire services in the State, career fire services and one member representing
7		(viii)	one member shall represent police services in the State;
8 9	the State; [and]	(ix)	one member shall represent emergency management services in
10 11	POPULATION OF	(X) 200,000 (ONE MEMBER SHALL REPRESENT A COUNTY WITH A DR MORE;
12 13	POPULATION OF	(XI) LESS TH	ONE MEMBER SHALL REPRESENT A COUNTY WITH A AN 200,000; AND
14		[(x)]	(XII) three members shall represent the public.
15 16	(3) of the Senate.	The Go	vernor shall appoint the members with the advice and consent
17	(c) (1)	The term	n of a member is 4 years and begins on July 1.
18 19	(2) provided for member		ns of the members are staggered as required by the terms Board on October 1, 2003.
20 21	(3) appointed and quali		nd of a term, a member continues to serve until a successor is
	(4) appoint a successor occurs.		ancy occurs after a term has begun, the Governor shall nt the organization or group in which the vacancy
25 26	(5) the rest of the term		per who is appointed after a term has begun serves only for a successor is appointed and qualifies.
27 28	(d) The Gomembers.	overnor sh	all appoint a chairperson from among the Board
29	(e) The Bo	oard shall	meet as necessary, but at least once each quarter.
30	(f) A men	nber of the	Board:
31	(1)	may no	receive compensation as a member of the Board; but
32 33	(2) Travel Regulations,		ed to reimbursement for expenses under the Standard State ed in the State budget.

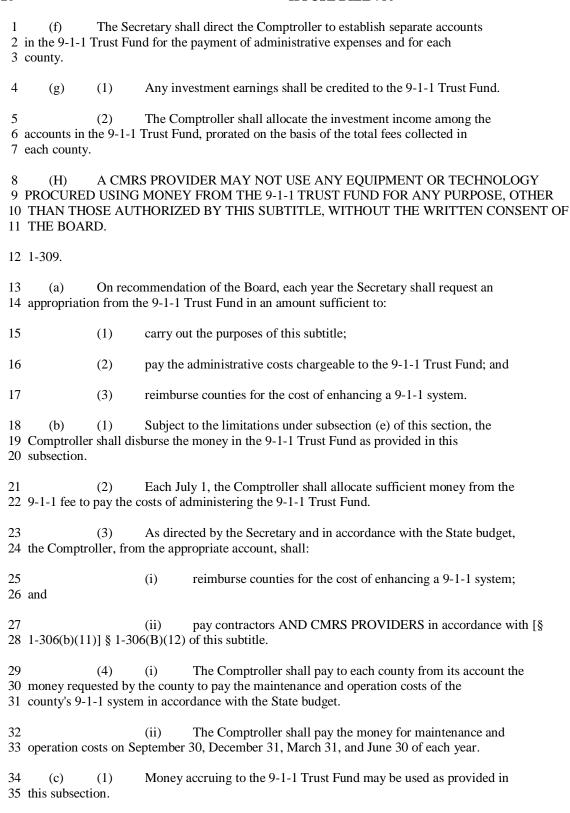


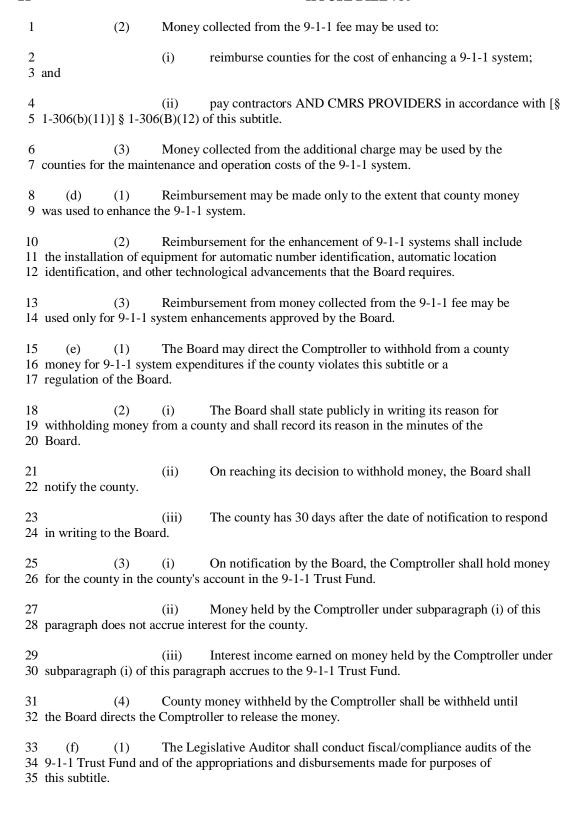
1	[(11)]	(12)	authoriz	ing exper	ditures from the 9-1-1 Trust Fund that:
2		(i)	are for e	enhancem	ents of 9-1-1 systems that:
3			1.	are requ	red by the Board;
4 5	and		2.	will be p	rovided to a county by a third party contractor;
6 7	formation of a contra	ct betwee	3. on the cou		r costs that the Board has approved before the ne contractor; and
8		(ii)	are appr	oved by t	ne Board for payment[:
9 10	and]:		1.]	from mo	ney collected under § 1-310 of this subtitle[;
11 12	county; OR		[2.]	1.	directly to a third party contractor on behalf of a
	NONRECURRING OF WIRELESS EN			Y RELA	TLY TO A CMRS PROVIDER FOR RECURRING AND TED TO THE DEPLOYMENT AND OPERATION
16	(13)	APPRO	VING, R	EJECTIN	IG, OR MODIFYING:
17 18	9-1-1 SERVICE; AN	(I) ND	THE IM	IPLEME	NTATION SCHEDULE FOR WIRELESS ENHANCED
19 20	ENHANCED 9-1-1	(II) SERVICI			DER'S COST ESTIMATE FOR WIRELESS NDER SUBSECTION (D) OF THIS SECTION;
23		TO DET: CEDING	ERMINE YEAR V	WHETH VAS MO	UAL AUDIT OF AN APPROVED ESTIMATE OF A ER THE COST ESTIMATE SUBMITTED RE OR LESS THAN THE ACTUAL COST OF THE D
25 26	(15) WAS MADE FROM				ER AN OVERPAYMENT OR UNDERPAYMENT TO THE CMRS PROVIDER:
27 28	PAYMENT TO A C	(I) CMRS PR			SUBSEQUENT COST ESTIMATE APPROVED FOR NDERPAYMENT WAS MADE; AND
29 30	TRUST FUND IF A	(II) N OVER			REFUND BY A CMRS PROVIDER TO THE 9-1-1 MADE.
31 32	(c) The gui	idelines e	stablished	l by the B	oard under subsection (b)(1) of this
33	(1)	shall be	based on	available	technology and equipment; and

1 (2)may be based on any other factor that the Board determines is 2 appropriate, including population and area served by 9-1-1 systems. ANNUALLY, ACCORDING TO A SCHEDULE DETERMINED BY THE 3 4 BOARD, A CMRS PROVIDER SHALL SUBMIT TO THE BOARD: AN ESTIMATE OF ITS COST OF DEPLOYING WIRELESS 6 ENHANCED 9-1-1 SERVICE BASED ON THE CURRENT DEPLOYMENT OF WIRELESS 7 ENHANCED 9-1-1 SERVICE IN ALL AREAS OF THE STATE WHERE THE CMRS 8 PROVIDER PROVIDED CMRS: AND 9 VERIFICATION OF THE ESTIMATED AND ACTUAL COST OF (II)10 WIRELESS ENHANCED 9-1-1 SERVICE. 11 EXCEPT AS OTHERWISE REQUIRED BY LAW, ON REQUEST OF A CMRS 12 PROVIDER, THE INFORMATION THAT A CMRS PROVIDER REPORTS TO THE BOARD, 13 INCLUDING VERIFICATION OF COSTS, SHALL BE CONFIDENTIAL, PRIVILEGED, AND 14 PROPRIETARY AND MAY NOT BE DISCLOSED TO ANY PERSON OTHER THAN THE CMRS 15 PROVIDER. 16 1-308. 17 There is a 9-1-1 Trust Fund. (a) The purposes of the 9-1-1 Trust Fund are to: 18 (b) 19 (1) reimburse counties for the cost of enhancing a 9-1-1 system; 20 (2) pay contractors AND CMRS PROVIDERS in accordance with [§ 21 1-306(b)(11)] § 1-306(B)(12) of this subtitle; and 22 fund the coordinator position AND STAFF TO HANDLE THE 23 INCREASED DUTIES RELATED TO WIRELESS ENHANCED 9-1-1 SERVICE under § 24 1-305 of this subtitle, AS AN ADMINISTRATIVE COST. 25 (c) The 9-1-1 Trust Fund consists of: money from the 9-1-1 fee collected and remitted to the Comptroller 26 (1) 27 under § 1-310 of this subtitle; 28 money from the additional charge collected and remitted to the 29 Comptroller under § 1-311 of this subtitle; and investment earnings of the 9-1-1 Trust Fund. 30 (3)31 (d) Money in the 9-1-1 Trust Fund shall be held in the State Treasury. 32 The Secretary shall administer the 9-1-1 Trust Fund, subject to the

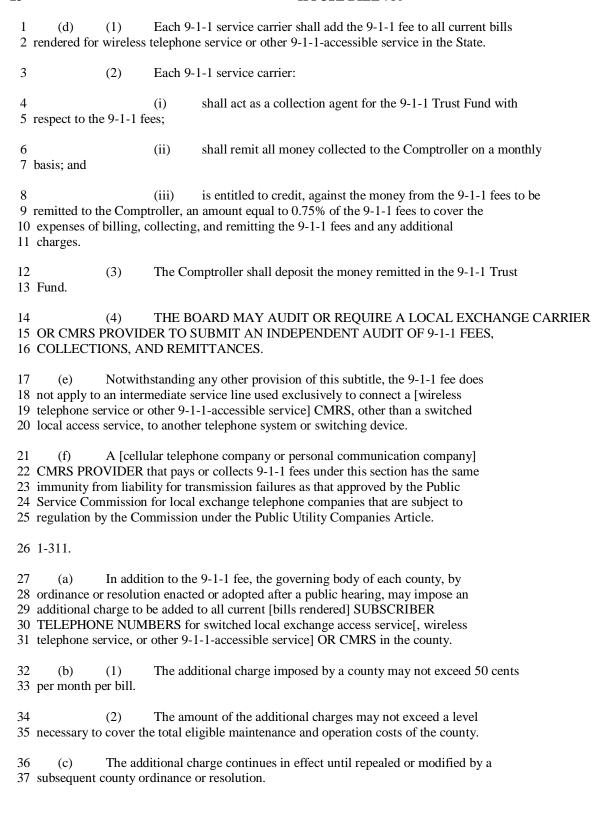
33 guidelines for financial management and budgeting established by the Department of

34 Budget and Management.





1 2	(2) 9-1-1 Trust Fund a		t of the fiscal portion of the audits shall be paid from the strative cost.
3	1-310.		
		ACH subscr	EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS iber to switched local exchange access service OR CMRS[, other 9-1-1-accessible service] shall pay a 9-1-1 fee.
	(2) NUMBERS PROV PROVIDER.		1-1 FEE SHALL BE APPLIED TO ALL CURRENT TELEPHONE THE LOCAL EXCHANGE CARRIER OR THE HOME SERVICE
10	(3)	THE FE	EE IS BASED ON THE PLACE OF PRIMARY USE.
11 12	(4) FEDERAL GOVE		JMENTALITIES OF A LOCAL GOVERNMENT OR THE STATE OR MAY NOT BE CHARGED A 9-1-1 FEE.
		is due AND	-1 fee is [10 cents per month,] payable when the bill for EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
16 17	EXCHANGE ACC	(I) CESS SERV	10 CENTS PER MONTH FOR SUBSCRIBERS TO SWITCHED LOCAL /ICE; AND
18		(II)	35 CENTS PER MONTH FOR SUBSCRIBERS TO CMRS.
	(2) EXCHANGE LIN BILLING ACCOU	ES, INCLU	FEE MAY NOT BE IMPOSED ON MORE THAN 50 CMRS IDING PBX TRUNKS AND CENTREX LINES, PER CUSTOMER
	()	e to all curr	olic Service Commission shall direct each telephone company ent bills rendered for switched local exchange access
25	(2)	Each tel	ephone company:
26 27	respect to the 9-1-	(i) 1 fees;	shall act as a collection agent for the 9-1-1 Trust Fund with
28 29	basis; and	(ii)	shall remit all money collected to the Comptroller on a monthly
32			is entitled to credit, against the money from the 9-1-1 fees to be n amount equal to 0.75% of the 9-1-1 fees to cover the , and remitting the 9-1-1 fees and any additional
34 35	Fund. (3)	The Cor	mptroller shall deposit the money remitted in the 9-1-1 Trust



- 1 (d) After imposing, repealing, or modifying an additional charge, the county 2 shall certify the amount of the additional charge to the Public Service Commission. The Public Service Commission shall direct each telephone company that 3 4 provides service in a county that imposed an additional charge to add, within 60 days, 5 the full amount of the additional charge to all current bills rendered for switched local 6 exchange access service in the county. 7 Within 60 days after a county enacts or adopts an ordinance or resolution 8 that imposes, repeals, or modifies an additional charge, each 9-1-1 service carrier 9 that provides service in the county shall add the full amount of the additional charge 10 to all current bills rendered for [wireless telephone service or other 9-1-1-accessible 11 service] CMRS in the county. 12 (g) (1) Each telephone company and each 9-1-1 service carrier shall: 13 (i) act as a collection agent for the 9-1-1 Trust Fund with respect 14 to the additional charge imposed by each county; 15 (ii) collect the money from the additional charge on a county basis; 16 and 17 (iii) remit all money collected to the Comptroller on a monthly basis. 18 (2) The Comptroller shall deposit the money remitted in the 9-1-1 Trust 19 Fund account maintained for the county that imposed the additional charge. SECTION 3. AND BE IT FURTHER ENACTED, That the Department of 20 21 Public Safety and Correctional Services shall report to the General Assembly on or 22 before December 1, 2007, in accordance with § 2-1246 of the State Government 23 Article, on the status of wireless enhanced 911 deployment and whether the 911 fee 24 paid by subscribers to a commercial mobile radio service provider under §1-310(a) of 25 the Public Safety Article, as enacted by this Act, should be adjusted based on future 26 estimated costs directly relating to the deployment and operation of the wireless 27 enhanced 911 system. SECTION 4. AND BE IT FURTHER ENACTED, That the term of the initial 28 29 member of the Emergency Number Systems Board representing a county with a 30 population of 200,000 or more and the term of the initial member of the Emergency 31 Number Systems Board representing a county with a population of less than 200,000 32 shall expire in 2007. SECTION 5. AND BE IT FURTHER ENACTED. That Section 2 of this Act shall 33 34 take effect on the taking effect of Chapter (S.B. 1) of the Acts of the General 35 Assembly of 2003. If Section 2 of this Act takes effect, Section 1 of this Act shall be 36 abrogated and of no further force and effect.
- 37 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions 38 of Section 5 of this Act, this Act shall take effect July 1, 2003.